



MIKE DeWINE

— ★ OHIO ATTORNEY GENERAL ★ —

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July 6, 2011

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
2011 JUL 11 AM 9:32
OFFICE OF GENERAL
COUNSEL

RE: MUR 6474; Complaint against Citizens for Josh Mandel

Dear Mr. Jordan:

We are in receipt of your letter to Ohio Attorney General Mike DeWine concerning a complaint that has been filed with the Federal Election Commission regarding the U.S. Senate campaign of Ohio Treasurer Josh Mandel. Your letter states that the complaint "indicates that the State of Ohio may have violated the Federal election Campaign Act of 1971, as amended ("the Act")." Your letter asked the State of Ohio to submit any materials we believe are relevant to your consideration of this matter. Pursuant to that request, the State of Ohio is submitting this letter.

As an initial matter, the State of Ohio was not named by the Complainant, the Ohio Democratic Party, as a respondent to that charge. Further, Ohio law does not permit the State of Ohio to make a contribution to Mr. Mandel's campaign for the U.S. Senate, or any other campaign for that matter. If such a contribution were made, and it was not, it would have been done in violation of State law.

We believe that this complaint is similar to the charge that was raised against California State Assemblyman Charles DeVore, MUR 6272. DeVore was alleged to have received an improper contribution from the State of California because some of his assembly staffers had volunteered to work on his campaign. In that case, the State of California correctly pointed out that it was not a proper party to the proceeding in front of the Federal Election Commission and that the State had no involvement, either directly or indirectly, with the federal candidate. The Commission voted to dismiss the State of California 6-0.

The State of Ohio believes that the Federal Election Commission should follow its precedent from the DeVore case and dismiss the State from any action in this matter.

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Jeff S. Jordan
July 6, 2011

Re: MUR 6474

Sincerely,

Mike DeWine
Ohio Attorney General



Richard N. Coglianese
Erick D. Gale
Assistant Attorneys General

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